

JUL 05 2006

PATENT
Atty. Dkt. No. MRKS/0091**REMARKS**

This is intended as a full and complete response to the Office Action dated April 5, 2006, having a shortened statutory period for response set to expire on July 5, 2006. Please reconsider the claims pending in the application for reasons discussed below.

Claims

Claims 38-43, 56-58, 61, 62, 66, 87, and 99 are rejected and claims 63, 64, 101, and 102 are objected to but would be allowable if rewritten in independent form. Claims 1-6, 8, 10, 13-35, 55, 67, 70-72, 81-86, and 100 are allowed.

Claims 1-6, 8, 10, 13-35, 38-43, 55-58, 61, 66, 67, 70-72, 81-87, 99, 100, and 102-120 remain pending in the application after entry of this response. Claims 38-41, 43, 56, 58, 61, and 102 have been amended and new claims 103-120 have been added. No new matter has been added by either the amendments or new claims. Claims 62-64 and 101 have been cancelled by Applicants without prejudice.

New claim 118 is claim 63 (before current amendment to claim 61) redrafted in independent form.

Claim Rejections Under 35 USC § 102

Claim 38 is rejected under 35 U.S.C. 102(b) as being anticipated by *Kramer* (US 4,360,493). *Kramer* does not teach, suggest, or disclose a corrugated metal tubular. *Kramer* discloses a dual composition corrugated rubber tubing as recited in amended claim 38. Both compositions are rubber (col. 2, line 65-col.3, line 5). Therefore, amended claim 38 is not anticipated by *Kramer*.

Claims 56-58, 61, 62, and 99 are rejected under 35 U.S.C. 102(b) as being anticipated by *Froome* (US 2,246,418). Claim 56 has been amended to incorporate claim 101, which is allowable if redrafted in independent form. Claim 61 has been amended to incorporate claim 64, which is allowable if redrafted in independent form. Withdrawal of the rejection is respectfully requested.

Claims 66 and 87 are rejected under 35 U.S.C. 102(b) as being anticipated by *Nobileau* (US 5,794,702). Applicants respectfully partially traverse the rejection.

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Nobileau does not teach, suggest, or disclose either a tubular having a corrugated wall with a substantially circumferential component as recited in claim 66 or diametrically expanding the wall of a helically or solely circumferentially corrugated tubular as recited in amended claim 87. *Nobileau* discloses solely axial or longitudinal corrugations (with no circumferential component) as opposed to substantially circumferential (i.e., solely circumferential or helical) corrugations as recited in claims 66 and 87:

Casing lower and upper end portions 15a, 15c each are somewhat cylindrical with *axially* extending corrugations 17 as shown in FIG. 5. Corrugations 17 are *straight axially* extending channels on both the inner and outer diameters of casing, providing inward protruding valleys 17a alternating with outward protruding peaks 17b.

(Col. 3, lines 57-62). This distinction may be readily appreciated by comparing views of *Nobileau* to views of the application. FIG. 1C of *Nobileau* illustrates a longitudinal section of the lower corrugated end 15a. Note that the end 15a appears rectangular in a longitudinal section. FIGs. 1 and 3 of the application illustrate longitudinal sections of helical corrugations 32,52. Note that the tubulars 10,40 appear wavy or sinusoidal in longitudinal section. FIG. 5 of *Nobileau* illustrates a transverse or radial sectional view of the end 15a. Note that the end 15a appears wavy or sinusoidal in transverse section. The application does not provide a transverse section of the corrugations 32,52; however, one may be easily imagined from the isometric view of FIG. 1. A transverse or radial sectional view of the helical corrugation 32 would appear circular (the diameters depending on the longitudinal location at which the section is cut). Therefore, claim 66 is not anticipated by *Nobileau*.

Claim Rejections Under 35 USC § 103

Claims 39-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kramer* in view of *Ross* (US 2004/0007829). *Kramer* and *Ross*, either alone or in combination do not teach, suggest, or disclose a corrugated metal tubular as recited in amended claim 38. Further, there is no motivation to combine *Kramer* and *Ross*. The cord 15 disclosed in *Kramer* is used for forming the corrugations in the rubber sleeves 13 and 14. The cord 15 is removed before the sleeves 13 and 14 are placed into service. Further, *Kramer* discloses no downhole use for the sleeves 13 and 14. *Kramer*

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discloses two uses: vacuum cleaner hose and marine filler hose. Marine filler hose is used to transport fuel from a stationary fuel tank to a fuel tank of a boat. The hose remains above the water surface during use. Therefore, claims 38-43 are non-obvious over *Kramer* in view of *Ross*.

Objections

Claims 63, 64, 101, and 102 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 63, 64, and 101 have been canceled and claim 101 has been incorporated into claim 56, thereby overcoming the objection to claim 102. Withdrawal of the objection is respectfully requested.

Conclusion

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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